

Public Chapter 408

SENATE BILL NO. 510

By Springer, Crutchfield

Substituted for: House Bill No. 437

By Fowlkes

AN ACT To amend Tennessee Code Annotated, Section 40-35-302, relative to agencies, programs, or associations established for the purpose of supervising probationers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-302, is amended by adding the following new subsection:

(g)(1) The following minimum education standards are required for certain employees of an entity established for the purpose of supervising misdemeanor probationers:

(A) The chief executive officer of an entity offering probation supervision shall have a bachelor's degree from an accredited university in any of the following fields: criminal justice, administration, social work, or the behavioral sciences and two (2) years experience in criminal justice or social work. Provided, however, four (4) years of professional administrative experience with an organization providing services in criminal justice or social work may be substituted for the bachelor's degree.

(B) An employee responsible for providing probation supervision and employed by an entity shall have at least four (4) years of experience in a criminal justice or a social services agency providing counseling services or shall have a bachelor's degree and/or associate's degree from an accredited college or university in any of the following fields: criminal justice, administration, social work, or the behavioral sciences.

(C) A person employed on the effective date of this act by an entity established for the purpose of supervising misdemeanor probationers shall have four (4) years from such date to comply with the minimum education requirements established by this section.

(2) Any entity providing probation supervisory services shall post a performance surety bond in an amount equal to the amount of coverage required to be provided under the Governmental Tort Liability Act. The bond shall provide

recourse for the county or municipality in the event of nonperformance, default or breach of contract by the contracting entity and cover claims that may arise based on such entity's nonperformance. A copy of such bond shall be filed with the clerk of all courts in each county in which the entity provides such probation supervisory services.

(3) Any entity providing or proposing to provide misdemeanor probation services shall investigate the criminal record for each employee and shall include in its application form any criminal conviction of each employee.

(4) Any entity providing or proposing to provide misdemeanor probation services shall provide an application form as described in subdivision (4) to all of the criminal court and general sessions court judges in each judicial district in which the entity proposes to provide misdemeanor probation services.

(5) Any entity providing or proposing to provide misdemeanor probation services shall file an application form with the office of the clerk of the general sessions court which contains the following information:

(A) The title of the entity;

(B) Its form of business organization;

(C) The office and mailing address of the entity;

(D) The names of the employees who will provide services and their position with the entity, and their credentials;

(E) A sworn statement that the credentials of all employees meet the minimum standards under subdivision (1);

(F) A sworn statement that a criminal record search has been conducted and if a criminal conviction has been discovered, the name of the employee and the criminal conviction;

(G) A credit history of the entity including any judgments or lawsuits; and

(H) A description of the services to be provided by the entity and the fee structure for the services to be provided.

(6) The entity shall also file with the clerk's office a quarterly report which shall include the following information:

(A) The caseload for the entity;

(B) The number of contact hours with offenders;

(C) The services provided;

(D) The number of filings for probation revocation and their dispositions;

(E) A financial statement including administrative costs and service costs; and

(F) Contributions, if any, to the criminal injuries compensation fund.

(7) The provisions of this section shall not be construed to amend or abridge any contract or operating agreement between any court or county government and any agency or individual presently supplying such services to such court or county government pursuant to this chapter.

(8) The application shall contain an affidavit filed under penalties of perjury that it is complete and accurate and complies with the requirements of subsection (g)(4). The application with such affidavit shall be filed with the clerk of the general sessions court.

SECTION 2. The provisions of this act shall not apply in any county having a population of not less than forty thousand two hundred (40,200) nor more than forty thousand five hundred (40,500) according to the 1990 federal census or any subsequent federal census.

SECTION 3. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
27,500	27,750
31,900	32,200
7,100	7,175
31,500	31,800

SECTION 4. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
4,700	4,750
34,500	34,730

SECTION 5. This act shall take effect July 1, 1997, the public welfare requiring it.